

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,  
Plaintiff,

ORDER

11-cr-78-wmc

v.

JAMES DAVIS,  
Defendant.

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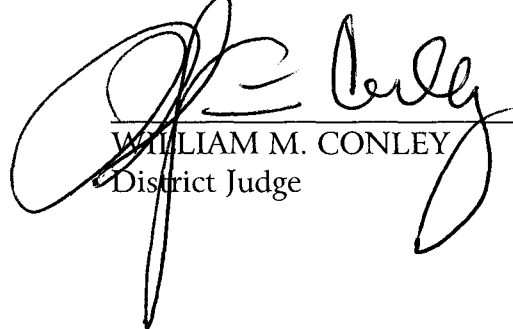
Defendant James Davis has moved for a sentencing reduction under 18 U.S.C. § 3582 (dkt. #55), contending that because he was sentenced for possession with intent to distribute cocaine base (crack cocaine) and the guidelines for drug crimes have been lowered and given retroactive effect, he is entitled to a reduction in his sentence. Unfortunately, he is mistaken. Under 21 U.S.C. § 841(a)(1), defendant was sentenced to a mandatory term of 120 months. That term was set by statute and can be changed only by an Act of Congress. It is not affected by changes in the sentencing guidelines.

ORDER

IT IS ORDERED that defendant James Davis's motion for a sentence reduction under 18 U.S.C. § 3582 is DENIED.

Entered this 30<sup>th</sup> day of July, 2015.

BY THE COURT:

  
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WILLIAM M. CONLEY  
District Judge